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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,398	09/20/2000	Paul A. P. Kaufholz	PHN 17-643	8968

7590

03/19/2003

Corporate Patent Counsel  
US Philips Corporation  
580 White Plains Road  
Tarrytown, NY 10591

EXAMINER
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STORM, DONALD L

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 03/19/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Advisory Action**

Application No.

09/666,398

Applicant(s)

KAUFHOLZ, PAUL A. P.

Examiner

Donald L. Storm

Art Unit

2654

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 04 March 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☒ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 1-4 and 6-11.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

*Marsha D. Banks-Hawley*  
MARSHA D. BANKS-HAWLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

Continuation of 2. NOTE: Additional search would be required because of the new claim limitations of (1) two audio source signals (that are to be canceled) being within a proximity of the sensitivity range of the microphone and (2) the two audio source signals contributing to the input to the microphone. Patentability in view of combinations of references already of record must also be reconsidered, and sufficiency of disclosure as originally filed would require reconsideration. Reconsideration is also required of whether all dependent claims now distinctly claim the invention in light of the new claim limitations.

Continuation of 5. does NOT place the application in condition for allowance because: The Applicant's argument concerning low-volume sounds picked up by the microphone is directed to subject matter that has not been entered. The Applicant's argument about degrading speech desired to be recognized because of removing someone else's speech as background noise is newly presented. Good and sufficient reasons have not been shown as to why this was not presented earlier before prosecution was closed and in response to the Office action in which the rejections first appeared. A reply to the newly raised issue requires further consideration and may require additional search.